



**SPECIAL MEETING MINUTES**  
**for**  
**December 29, 2003, 6:00 p.m.**  
**Art Pick Council Chambers**  
**3900 Main Street, Riverside, CA**

**Present:** Commissioners Brewer, Davidson, Garcia, Gardner, Howe, O'Meara, Percy, and Ward  
Alternate Commissioner Corral

**Absent:** Commissioner Huerta  
Alternate Commissioner Quinto

**Pledge of Allegiance**

**Roll Call**

**Public Comment**

There was no public comment regarding items not on the agenda.

**Briefing by RPD Regarding the Death of Rene Carlos Guevara**

Capt. Jim Cannon briefed the Commission regarding the death of Rene Carlos Guevara on December 15, 2003. Using photos, Capt. Cannon described the incident scenario. He concluded by saying that the City Attorney's office, the Riverside County District Attorney's office, Riverside Police Department Internal Affairs unit and the Officer-involved Shooting Team are conducting investigations into this incident.

**Public Comment on Item 3**

**Mary Shelton**

Ms. Shelton stated that she wanted clarification regarding the positions of the officers just prior to the shooting. She also asked why Officer Prince was armed with a 12-gauge shotgun during the pursuit. She also had a question about another officer, a canine officer, who was on the scene.

She also asked, "If we have a briefing from the criminal side of the investigation, is there also going to be a briefing from the administrative side of the investigation...?" She expressed concern that Internal Affairs is not conducting independent investigations into officer-involved shootings and asked if that issue was going to be addressed at this point in the investigation.

Chairman Gardner said he didn't anticipate a briefing by Internal Affairs, but that there would be discussion about what Internal Affairs would do. He said he wasn't surprised that, because of the Holidays, the Commission didn't have a response from RPD regarding the CPRC's policy recommendation that was made in its December 10 meeting. He said he would hope that RPD would respond quickly and definitively, but said that would be up to the Chief.

Chairman Gardner referred Ms. Shelton's other questions to Capt. Cannon to address in his closing remarks, if able. Chairman Gardner did say that most marked police units have 12-gauge shotguns as part of the standard equipment and is standard-issue equipment for patrol officers. He said that, without getting into a training discussion, he thought the use of a 12-gauge shotgun in this type of incident is fairly standard.

### **Ralph Avila**

Mr. Avila noted that there was an exit available, but according to police, the wheels of the subject's vehicle were turned toward police officers. Mr. Avila asked what the distance was between Mr. Guevara and the officer who fired the fatal shot.

### **Chani Beeman**

Ms. Beeman had three questions:

- Were audio recorders being used by any of the officers involved?
- Were any of the vehicles involved equipped with mobile video cameras?
- Was any consideration given regarding the use of less-lethal weapons since there were three units on-scene?

### **Tom Kenny**

Mr. Kenny asked at what point the chase would be ended. He also asked if there was a helicopter that could have followed the van from the air so the ground chase could be ended. Mr. Kenny asked why digital video cameras are being used when they are so expensive. He commented that more units could be equipped with video cameras if the VHS type were used.

There were no commissioner comments or questions.

Chairman Gardner asked Capt. Cannon if he would like to address any other the questions asked by the audience.

Capt. Cannon addressed the following questions:

- There was approximately 40 feet between Mr. Guevara and the officers prior to Mr. Guevara accelerating toward the officers (Mr. Avila).
- There were 3 police cars in the street on Philbin – Officer Niebecker, Officer Prince, and Officer Carroll. The position of the officers was proper for a high-risk felony stop. Capt. Cannon remarked that the procedure is very detailed. One officer will give the commands, one officer will cover with a shotgun, and another officer will act as back-up and would do the handcuffing. He said that each officer has a role in this type of procedure (Ms. Shelton).
- Capt. Cannon stated that a canine officer is a patrol officer who has a collateral duty of supervising the canine (Ms. Shelton).
- Capt. Cannon said that, as part of the investigative process, they will look at what point the pursuit could have been terminated (Mr. Kenny).
- The digital camera system is approved by the courts and is the best technology available to get a camera that can be engineered to take pictures that cannot be altered. Chairman Gardner noted that it was the City Council who approved the purchase of these cameras for the Police Department (Mr. Kenny).

- Capt. Cannon could not answer Ms. Beeman's questions regarding audio and video recorders and less-lethal weapons, as they are issues that are part of the criminal investigation.

Chairman Gardner asked if the helicopter was involved in the pursuit. Capt. Cannon said it was involved in some of the pursuit, but he didn't know at what point that happened.

### **Utilization of the CPRC Investigator**

After lengthy discussion, Commissioner Howe made a motion that the Commission have its investigator respond to all officer-involved deaths as soon as practical and interview all available witnesses. Commissioner Davidson seconded this motion. The motion passed 6 for, 2 against.

#### **Dissenting Vote**

The two dissenting voters felt that the Commission's investigator should review the information that is being reported by the police department with the various witnesses or pieces of evidence that are being developed to make sure that that information is being accurately obtained, recorded, documented, and presented to the public rather than go out immediately after an incident.

Chairman Gardner entertained a motion to adjourn, which was moved by Commissioner Ward and seconded by Commissioner Garcia.

The Commission adjourned at 7:31 p.m.

Respectfully submitted,

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PHOEBE SHERRON  
Sr. Office Specialist